

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN THE MATTER OF:

Chapter 11

Termano, LLC,

Case No. 09-08457

Debtor(s).

Honorable Carol A. Doyle

NOTICE OF MOTION

TO: See attached Service List

On September 29, 2009, at 10:00 a.m., I shall appear before Bankruptcy Judge Carol A. Doyle, 219 South Dearborn Street, Courtroom 742, Chicago, Illinois 60604, or in her absence, before such other Bankruptcy Judge as may be presiding in her place and stead, and shall then and there present the attached Motion for Relief from the Automatic Stay or in the alternative Motion for Adequate Protection filed by Centru Bank at which time and place you may appear if you so see fit.

HEAVNER, SCOTT, BEYERS & MIHLAR, LLC
Attorneys at Law
Faiq Mihlar (ARDC #6274089)
111 East Main Street, Suite #200
Post Office Box 740
Decatur, Illinois 62525-0740
(217) 422-1719

STATE OF ILLINOIS
COUNTY OF COOK

I, Faiq Mihlar, an attorney, being first duly sworn upon oath, depose and state that I have served the above and foregoing Notice, together with all required papers, upon the above-named parties, by placing same in an envelope addressed as shown above, and depositing same First Class Mail, postage prepaid in the United States mailbox at Decatur, Illinois 62523 this 18th day of September, 2009.


Faiq Mihlar

SERVICE LIST

Termano, LLC
269 Blackhawk Road
Riverside, IL 60546

Guatham Kaveti
Forrest L. Ingram, PC
79 W. Monroe Street, Suite 900
Chicago, IL 60603

Patrick Lambe
Forrest L. Ingram, PC
79 W. Monroe Street, Suite 900
Chicago, IL 60603

William T. Neary
Office of the U.S. Trustee, Region 11
219 S. Dearborn St., Room 873
Chicago, IL 60604

Able Aire Service
1874 County Road 1600, N#A
Urbana, IL 61802

Area Disposal Service
Route 51 S
Clinton, IL 61727

AT&T
P.O. Box 277019
Atlanta, GA 30384-7019

City of Urbana
400 S. Vine Street
Urbana, IL 61801

Illinois American Water
300 North Water Works Dr.
Belleville, IL 62223

Forrest L. Ingram
Forrest L. Ingram, PC
79 W. Monroe Street, Suite 900
Chicago, IL 60603

Helena Milman
Forrest L. Ingram, PC
79 W. Monroe Street, Suite 900
Chicago, IL 60603

Peter L. Berk
Forrest L. Ingram, PC
79 W. Monroe Street, Suite 900
Chicago, IL 60603

Commercial Coin Laundry Systems
c/o August A. Pilati and Associates, Ltd.
53 West Jackson Blvd., Suite 528
Chicago, IL 60604

Ameren IP
2200 E. Eldorado Street
Decatur, IL 62521

Arthur L. Mann
507 S. Broadway Ave.
Urbana, IL 61801

Champaign County Assessor
1776 E. Washington
Urbana, IL 61802

Commercial Coin Laundry Systems
3750 N. Cicero Ave
Chicago, IL 60641

Insight/Comcast
One Comcast Center
Philadelphia, PA 19103

SERVICE LIST (cont.)

Midstate Collection Solutions
1711 S. Neil Street, #2
Champaign, IL 61820

Orkin Pest Control
4110 Fieldstone Rd.
Champaign, IL 61822

Technology Specialists Group, Inc.
201 W. Springfield Ave., Suite 909
Champaign, IL 61820

Tessie Cuy
P.O. Box 8726
Emeryville, CA 94662

Wilmer Corporate Headquarters
200 East Park Drive, Suite 200
Mount Laurel, NJ 08054

**IN THE UNITED STATES BANKRUPTCY COURT
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EASTERN DIVISION**

IN THE MATTER OF:

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Termano, LLC,

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Debtor(s).

Honorable Carol A. Doyle

**MOTION FOR RELIEF FROM STAY THE AUTOMATIC STAY AND
IN THE ALTERNATIVE MOTION FOR ADEQUATE PROTECTION**

NOW COMES Centrue Bank (hereinafter referred to as “Centrue”) by its attorneys, Heavner, Scott, Beyers & Mihlar, LLC, and moves this Court for the entry of an Order granting relief from the automatic stay and/or adequate protection pursuant to 362(a) and 362(d) if the United States Bankruptcy Code and Bankruptcy Rule 4001, states as follows:

1. On March 13, 2009, the Debtor, Termano, LLC (hereinafter referred to as “Debtor”) filed her voluntary Petition under Chapter 11 of the Bankruptcy Code (hereinafter referred to as “Petition”).

2. Centrue is a creditor of the Debtor.

3. Centrue is the owner and holder of a Mortgage and Note on real estate commonly known as 904-908 N. Broadway Ave., Urbana, Illinois 61801 (hereinafter referred to as “real estate”).

4. Said Mortgage is a valid first mortgage lien on the above described real estate. True copies of the Mortgage and Note are attached hereto, made a part hereof, and marked as Exhibit “A” and Exhibit “B”, respectively.

5. Debtor is the owner of said real estate which was included in Debtor's Chapter 11 Bankruptcy Petition.

6. As of April 6, 2009, the balance due to Centruze on the Note and Mortgage was approximately \$2,360,284.77, which consists of principal, accrued interest, late charges, taxes, cost of foreclosure and attorneys' fees.

7. The Debtor is in default of the terms of Note and Mortgage due to its failure to pay the loan in full on or before August 15, 2008.

8. Under the terms of the Note and Mortgage upon default by the Debtor, Centruze is entitled to foreclose its Mortgage on the real estate in accordance with applicable non-bankruptcy state law and apply the proceeds from the foreclose proceeding to the indebtedness owed to Centruze by the Debtor.

9. The Debtor lacks equity in the real estate and the real estate is not necessary to an effective re-organization by the Debtor. In addition, the Debtor has failed to offer any adequate security to Centruze. The total balance owed on the Note and Mortgage as of April 6, 2009 was \$2,360,284.77. The property securing the Note and Mortgage appraised on July 24, 2009, for a sum of \$1,800,000.00 (attached as Exhibit "C").

10. As a result of the foregoing, Centruze submits that cause exists within the meaning of Section 361(d)(1) of the Bankruptcy Code to modify the Automatic Stay to permit Centruze to conclude foreclosure proceedings against the property

WHEREFORE, Centruze Bank prays for an Order providing:

- 1) That the automatic stay provided for in Section 362(a) and 362(d) be modified to permit Centruze to enforce its lien rights as to the Debtor with respect to the real estate with the Note and Mortgage and applicable non-bankruptcy state law;

- 2) The Court enter an Order for Adequate Protection and turnover of rental receipts;
- 3) That the Bankruptcy Rule 4001(a)(3) be waived and the Order granting relief from the Automatic Stay be effective immediately upon the date of entry; and
- 4) For such other relief as this Court deems necessary or equitable.

CENTRUE BANK,

By: _____
One of its attorneys

HEAVNER, SCOTT, BEYERS & MIHLAR, LLC
Attorneys at Law
Faiq Mihlar (ARDC #6274089)
111 East Main Street, Suite #200
Post Office Box 740
Decatur, Illinois 62525-0740
(217) 422-1719

This advice pertains to your dealings with our firm as a debt collector. It does not affect your dealings with the court, and in particular it does not change the time at which you must answer the motion. The advice in this notice also does affect our relations with the court. As attorneys, we may file papers in the suit according to the court's rules and the judge's instructions.

**NOTICE PURSUANT TO THE FAIR DEBT COLLECTION
PRACTICES ACT
15 U.S.C. Section 1601 as Amended**

1. The amount of the debt is stated in the motion attached hereto.
2. The movant named in the attached motion is the creditor to whom the debt is owed or is the servicing agent for the creditor whom the debt is owed.
3. Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume the debt is valid.
4. If you notify this office in writing within 30 days after receiving this notice, this office will obtain verification of the debt and mail you a copy of such verification.
5. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.
6. Nothing in this notice should be construed as an agreement by the movant to extend or stay any time periods established by law with respect to the litigation which is the subject of the attached motion.
7. Written requests should be addressed to Heavner, Scott, Beyers & Mihlar, LLC, 111 East Main Street, Suite 200, Decatur, Illinois 62523.
8. Please be advised that this is an attempt to collect a debt. Any information obtained will be used for that purpose.